



Meeting Minutes

BOARD OF SUPERVISORS, COUNTY OF MONO

STATE OF CALIFORNIA

Regular Meetings: The First, Second,
And Third Tuesday of each month

REGULAR MEETING

County Courthouse
Bridgeport, California 93517

June 12, 2007

9:00 a.m. Meeting called to order by Chairman Hazard

Pledge of Allegiance led by Supervisor Farnetti

OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

BOARD MEMBER REPORTS

Supervisor Farnetti reported on the following activities: (1) Attended a LAFCO meeting on June 6. This was a public hearing and the final budget of \$48,500 was approved; the biggest expense is the \$20,000 for consulting services to complete the Sphere of Influence reports (they are still waiting for the June Lake and Mammoth Lakes reports). (2) Attended the Solid Waste Task Force meeting on June 7 in Mammoth. The new project coordinator is Matt Carver, who will be a big help for Evan and Kelly. (3) The town cleanup in Mammoth Lakes was very successful; 96 tons of trash and debris were removed, and a large number of volunteers came out. The town thanked the county for waiving the tipping fee; this was a very successful event. (4) Regarding the oil recycling program, the new storage facility and tanks are in and certified by the state; the town would like to see the recycling program include dry wall and plastics. (5) The town is encouraging Vons to use bags other than plastic bags, which are a big problem in Mammoth and at the landfill (bags made from biodegradable materials are available); San Francisco and Santa Cruz prohibit plastic bags. (6) The Walker landfill is now fully permitted; the DWP has delayed the permit for Pumice Valley in order to analyze the water quality act; staff is working on this issue (there is a back log in Public Works with submissions to the state; Public Works needs resources to help get this work done to avoid violations). Supervisor Bauer mentioned that she would be going to Sacramento on June 13 and would address any Board issues while there. Supervisor Farnetti requested that a letter be written in support of reinstating the Williamson Act in the Governor's budget.

Supervisor Reid reported on the following activities: (1) May 17, attended the IMAAA meeting in Mammoth Lakes with the CAO. The discussion included the status of senior centers on the Highway 6 corridor; Inyo County does not want to be the catalyst for how IMAAA works. (2) May 17, attended the Bridgeport RPAC meeting and talked about a variety of issues. (3) Billy Bryant's retirement party was held at Memorial Hall on May 19; they had a BBQ outside and found that some of the tables have disappeared; Memorial Hall needs about 10 tables. (4) May 21, attended the IMAAA meeting in Bishop; Charles Brodin will retire in October. (5) May 22, went on a tour of Mountain Gate with people from the State. (6) Met with CalTrans at the post office in Coleville regarding the entry and exit to the driveway; CalTrans will make some corrections to form a better radius. (7) May 24, attended a workman's compensation workshop. (8) May 31, met with Mary Connolly (Harry Reid's aid) and Tracy Hartzler-Toon to talk about the Walker River project; there may be changes in legislation that could be far reaching; this will be ongoing until there is enough money and water to satisfy the Walker Lake and the tribe. (9) June 2, attended the Bridgeport gun dinner. (10) June 5 and 6, went to the Coleville fire site; the communication and cooperation amongst all the entities was very smooth and the operation was well run. (11) Attended the Antelope Valley RPAC on June 7 along with County Counsel and the CAO;

there was positive feedback about the response to the fire. There was about a 68% response to the 911 code; because of the fire, power went out but was on next day, and phones were also operational the next day. (12) Attended the LTC meeting in Mammoth Lakes on June 11; talked about the Coleville post office entrance, the Lee Vining radar, the CTC approval of \$900,000 for the gasex above Lee Vining for avalanches, and the High Point project in Topaz (which found \$1.2 million so this is back on the drawing board for design and review). (13) Dave O'Hara thought it would be appropriate to send letters to Sierra Pacific Power, the telephone company, and the Antelope Valley Lions Club for their service during the fire. Supervisor Hazard mentioned that the High Point project was funded with State "filler" money.

Supervisor Bauer reported on the following activities: (1) Attended the ESTAS meeting; they have a good staff and they are making good progress (offices and bus station are moving forward). (2) Rode the Crest to Reno, which was an enjoyable ride; caught the bus at the June Lake junction at 8:15 a.m. and arrived in Reno at 11:15 a.m. (3) Have been working a lot in the new office. (4) Working to get YARTS contracts together; Senator Cogdill wrote a letter of support for special funding for YARTS. (5) The dog park is progressing; Nancy Boardman will start on regulation work next week; the area is supposed to be a community ball park, so this could pose a problem, but they will find a way for alternate uses. (6) The rodeo grounds application has been submitted; met with Dave Nelson from CDBG to discuss possible economic development grants; this will be a long process and needs planning money. (7) NACO is reaching out to help oppose a house bill that is changing the clean water act in a significant way; the proposed change is for regulation of all waters not just navigable waters, which gets complicated with private property rights; will write a letter to them.

Supervisor Hazard reported on the following activities: (1) May 16, attended the last meeting of the Tri-Valley EMS group (which is scheduled to make a presentation in today's Board meeting). (2) May 17, attended the IMAAA meeting and the town council liaison meeting. (3) Attended the IMAAA board governing meeting on May 24; they still have significant budget troubles and may have leadership issues; the program needs to be monitored. (4) Held office hours in Crowley Lake on May 24; there were no significant issues. (5) May 23, attended the Crowley Lake RPAC; the mailbox issue is moving forward and they are almost ready to issue numbers; many people have mailboxes in Mammoth that they don't want to give up; it is a valid concern but people need to secure a mailbox for the future since their houses need to have a mailbox associated with the address; after June 15 there will be a phone campaign to get people registered. (6) May 24, attended the emergency managers CARES conference; ISMA is opposing pending legislation regarding disciplinary action for EMTs. (7) May 29, visited the fisheries commission; there will be a number of requests for funding support; attended the Chalfant RPAC meeting; this community wants to upgrade parks and be involved in master planning; improvements are needed to make playgrounds safe. (8) June 1, held office hours in Benton; people talked about general issues; the uniform service out of Bishop is substandard (not making good repairs to uniforms). (9) Met with Planning, Eastern Sierra, and the DWP regarding a land trade for a school site in Chalfant; this will require a lot of fine tuning, but DWP supports the concept. (10) June 8, held office hours in Chalfant; no major issues came forward. Larry Gorgino, Imperial County, is looking for a coalition of counties that have or desire to have geothermal plants (he is running into problems and concerns about tax credits and support). (11) June 11, attended the LTC meeting; attended the Paradise community meeting (they have an ongoing issue regarding hospital districts and desire to annex the south end of the county). (12) Received two phone calls from chiefs expressing appreciation and thanking the Board for the increase in first response. (13) June 1, attended the IMAAA fundraiser/auction in Bishop; their goal was to raise \$7000; they raised \$9000-\$10,000. (14) Expressed concern about Verizon's service and the lack of a looping phone system in the north end of the County; in Swall Meadows, a tree blew down on the phone lines, and when people called to get the problem resolved, Verizon told them they don't do maintenance unless phone service is lost; still waiting for a call back from Verizon to talk about the problem; Verizon is less than responsive, and there needs to be a better working relationship. Supervisor Reid said there is a tower located towards Sweetwater that is still not up and running because there are no power lines to the site.

COUNTY ADMINISTRATIVE OFFICE

- 1) CAO Report regarding Board Assignments (**David Wilbrecht**)
ACTION: Receive brief oral report by County Administrative Officer (CAO) regarding his activities.

Dave Wilbrecht reported on the following activities: (1) Attended Antelope Valley Fire District meeting; the district is starting to get on top of issues. (2) Received the Intrust application; staff is reviewing it and will work with Community Development. (3) Regarding IMAAA, Inyo County is looking for ways to make it a more stand-alone organization (Inyo County has been providing administrative functions). (4) Looking into mosquito abatement; will have a meeting on Thursday with Planning and Environmental Health; will report results at the next Board meeting. (5) Asked the Board to look at the ESTAS budget; some cost sharing may occur. (6) The AOC negotiations are continuing; will meet with appropriate people to discuss the political and financial interests involved. (7) The agenda review committee is continuing to work towards better agendas; will know the status of the new software after the managers' meeting. (8) The Sierra Center Mall space planning is coming along, and is within budget; will report more soon.

- 2) **APPROVAL OF MINUTES**
Regular Meeting of June 5, 2007, as corrected.
M07-141 **(Farnetti/Bauer, 3-0; Reid abstain, Hunt absent)**

(1) Correction to Board Member Reports, Chairman Hazard's comment regarding the affordable housing workshop: the date of the workshop is June 27th not September 27th. (2) Item #16, amend the Action to reflect that Supervisor Tom Farnetti will be the Board's representative on the Independent Hearing Panel Local Enforcement Agency.

CLOSED SESSION

Adjourned for closed session from 9:05 a.m. through 9:28 a.m.

- 3) CONFERENCE WITH LABOR NEGOTIATORS. Government Code section 54957.6. Agency designated representatives: David Wilbrecht, Marshall Rudolph, Robert Garret, and Brian Muir. Employee Organization: International Union of Operating Engineers, Stationary Local 39, AFL-CIO (aka Mono County Public Employees).

Reconvened at 9:28 a.m.; break at 10:08 a.m. through 10:15; reconvened at 10:15 a.m.

DEPARTMENT REPORTS/EMERGING ISSUES

Ed Zylman, Director of Social Services, reported that shelter operations ran smoothly during the recent fire. Kathy Watkins (new coordinator for the shelter) had staff members at the shelter within 15 minutes (six volunteers also came to help). Within an hour, eight people needing help had arrived at the shelter; the shelter ended up serving food to over 55 people from the community. The Public Health Department was also on site. The shelter remained open until 3:30 Wednesday; many people stopped by for information. Zylman mentioned that Kathy has increased the number of volunteers, and has made good contacts in the community for support from grocery stores, community centers, and motels.

He also mentioned that they need better communication with the AVIS system. He suggested that the Board recognize the Lions Club for the spaghetti dinner they provided on Tuesday night.

Sheriff Scholl provided a brief update about the fire situation. He said he was proud of the department and their response, and how they kept him apprised of situation since he was out of town. They worked well with other department heads and county entities. Afterwards, the department had a debriefing meeting to determine where they can make improvements; he wants to hold a debriefing session with other department heads and agencies. The Sheriff met with Mark Spencer, AVIS radio system, to discuss ways to better implement the system and resolve problems. Scholl mentioned that people need to have a battery-operated radio so they can get information. He also mentioned that the community gave positive feedback about the county's response to the situation.

Undersheriff Greg Busey said the fire fighters were incredible and saved surrounding structures; the deputies did an incredible job with traffic control and evacuation; they set up a command van in downtown Walker because there were no phones, and they manned the van 24 hours a day until power and phone service were restored. Sierra Pacific was incredible, and put up poles during the fire; Verizon also responded (he gave credit to Sgt. Dave O'Hara who worked with them). Busey said the Sheriff can be proud of the department and the other departments. Supervisor Reid reiterated how well everything worked between all the entities. Tony Dublino asked about the reverse 911 system. Sheriff Scholl said it worked as long as the phones were operational or people's cell phones were recorded into the system. Even though it worked with a marginal success ratio, several people were contacted through the system. Scholl said the sergeant in the jail put out a message to the Bridgeport residents about their children being bused from school; this message went out over the reverse 911 system and was successful.

Lynda Roberts, Clerk of the Board, followed up on a previous request from the Board to check on appointments to the Mono County Fisheries Commission. Both Jim King and Kevin Peterson were reappointed to the commission; their terms expire April 2011. She also talked about the need for identification badges for the Board members, and provided two examples of badges used by Supervisor Reid.

Brian Muir, Director of Finance, updated the Board on several issues. (1) There have been 48 requests for county credit cards; 31 cards have been issued and 17 cards are ready to be picked up. He originally wanted the County seal on the card, but the credit card company won't customize cards for small users. (2) All but one or two department budgets have been submitted; he will start scheduling meetings with department heads by the end of the month. The purpose of the meetings is to make sure he understands what people are asking for in their budgets. (3) He is still reviewing county fees and the collection process. At some point he will ask the Board to review existing fees. (4) He is currently working on finding a financial advisor for the County, and will propose someone to the Board soon. (5) His office received a bill from Mammoth Lakes Housing for \$20,000, which the Board previously considered a policy item and did not fund. This is another opportunity to consider the request; he will bring this issue back to the Board in July.

Marshall Rudolph, County Counsel, referred to the Board's May 15th adjourned meeting in Walker and the discussion about improvements to the Walker Community Center. The issue of volunteer labor came up during the discussion and some people were under the impression that the County could not accept donations of volunteer labor. Rudolph said the County is not prevented under state law from accepting volunteer labor.

Evan Nikirk, Director of Public Works, in reference to the solid waste program said he has received a couple of applications for the engineering position open in his department. He will be conducting interviews soon and should fill the position in the near future.

CONSENT AGENDA

(All matters on the consent agenda are to be approved in one motion unless a board member requests separate action on a specific item)

Supervisor Farnetti asked to pull items 5a, 5b, and 5c, and consider them separately.

PUBLIC WORKS

- 4) FY 06-07 RSTP Road Funding Agreement
M07-142 ACTION: Approve and authorize Chair's signature on the FY 06-07 Federal Exchange and State Match Agreement for allocation of Federal Surface Transportation Program Funds through the State's Regional Surface Transportation Program.
(Farnetti/Reid, 4-0; Hunt absent)

COUNTY ADMINISTRATIVE OFFICE/HUMAN RESOURCES

- 5a) Resolution Approving Employment Contract with Nancy Boardman (**Robert Garret**)
R07-36 ACTION: Adopt **Resolution R07-36**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Nancy Boardman and Prescribing the Compensation, Appointment, and Conditions of said Employment."
(Reid/Bauer, 4-0; Hunt absent)

Robert Garret: This is a contract renewal with Nancy Boardman, animal control officer. Nancy has been in this type of position for many years, and has been with Mono County since 1988; she has been recognized for her performance. This is a routine three-year contract renewal with no changes to the current conditions of the contract. Garret recommended Board approval.

- 5b) Resolution Approving Employment Contract with Ann Gimpel (**Robert Garret**)
R07-37 ACTION: Adopt **Resolution R07-37**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Ann Gimpel and Prescribing the Compensation, Appointment, and Conditions of said Employment."
(Bauer/Farnetti, 4-0; Hunt absent)

Robert Garret: Ann Gimpel started her position in 2004, and has been recognized for her excellent performance. This is a renewal with no special provisions or changes. Garret recommended approval.

- 5c) Resolution Approving Employment Contract with Greg Busey (**Robert Garret**)
R07-38 ACTION: Adopt **Resolution R07-38**, "A Resolution of the Mono County Board of Supervisors Approving an Employment Agreement with Greg Busey and Prescribing the Compensation, Appointment, and Conditions of said Employment."
(Farnetti/Reid, 4-0; Hunt absent)

Robert Garret: This is a request to amend the agreement, and would apply from June 2007 through December 31, 2007. Busey has requested that his vacation time be converted into salary; the Sheriff has approved this request. At the end of the contract period, Busey intends to retire.

COUNTY COUNSEL

- 6) Enactment of Ordinance Authorizing the County Administrative Officer and the County Compliance Specialist to Appear in Small Claims Court (**Allen Berrey**)
Ord07-07 ACTION: Enact **Ordinance Ord07-07** entitled "An Ordinance of the Mono County Board of Supervisors Amending Section 1.13.010 of, and Adding Section 2.84.110 to, the Mono County Code to Authorize the County Compliance Specialist and the County Administrative Officer, Respectively, to Appear in Small Claims Court on Behalf of the County."
(Farnetti/Reid, 4-0; Hunt absent)

REGULAR AGENDA

CORRESPONDENCE RECEIVED

- 7a) Inyo-Mono Fish & Game Advisory Commission: Request for up to \$750 to purchase a laptop computer (Dan Lyster will present this correspondence to the Mono County Fisheries Commission).

The Board suggested that the letter move forward; County Counsel will address this issue before the Board after it goes to the Fish & Game Advisory Commission.

- 7b) Kevin Peterson: California Department of Fish & Game's (CDFG) implementation of year-round fishing on the East Walker River, the Upper Owens River and Hot Creek.

Supervisor Reid agreed with this letter and expressed concern that Fish & Game took action without notifying the County. He suggested that the Board write a letter to let Fish & Game know that the County wants to be informed about these types of decisions. Supervisor Farnetti agreed. Supervisor Bauer suggested that this open dialogue was a good sign that the Fisheries Commission is well balanced.

SHERIFF-CORONER/COUNTY COUNSEL

- 8) Proclamation regarding State of Local Emergency (**Marshall Rudolph, Rick Scholl**)
M07-143 ACTION: The Board adopted the following motion: "Whereas, the Board of Supervisors is informed and believes, based on reports by the director of emergency services, that the fire event in the Coleville area of the County that led to the Board's previous proclamation of a state of local emergency (Minute Order No. M07-140) has concluded. Now, therefore, pursuant to its authority under Section 2.60.080 of the Mono County Code, the Board does hereby PROCLAIM that the aforementioned state of local emergency is terminated."
(Reid/Farnetti, 4-0; Hunt absent)

Marshall Rudolph, County Counsel: This item was put on the agenda in case OES needed the Board to issue or clarify a proclamation related to the recent fire event. Rudolph recommended that the Board approve a proclamation officially terminating the state of local emergency (as required by County Code) since the Board's minute order of June 5 served as the proclamation to declare the emergency.

SOCIAL SERVICES

- 9) Authorization to Purchase Copy Machine (**Ed Zylman**)
M07-144 ACTION: Approve the purchase by the CAO/Administration for the Department of Social Services of a copy machine not to exceed \$25,000.
(Bauer/Reid, 4-0; Hunt absent)

Ed Zylman, Director of Social Services: Requested authorization for the purchase of this copy machine. He pointed out that his department can purchase equipment (such as copy machines, computers, and vehicles) to use for a year or so, and then turn the equipment over to other departments. This can be beneficial to general fund departments.

Supervisor Reid suggested they talk about vehicles that can go to IMAAA, which has a serious budget situation.

COUNTY COUNSEL/PUBLIC WORKS/FINANCE

- 10) Sale of Tax-Defaulted Property to the County (**Marshall Rudolph, Evan Nikirk, Rosemary Glazier**)
M07-150 ACTION: Authorize the County to purchase certain tax-defaulted property (APN 01-100-55) by agreement for the price of \$2,400 and authorize the County Administrator, on behalf of the County, to sign the proposed Application to Purchase Tax-Defaulted Property from County and the proposed Agreement to Purchase Tax-Defaulted Property.
(Reid/Bauer, 4-0; Hunt absent)

- R07-39 ACTION:** Adopt **Resolution R07-39**, "A Resolution of the Mono County Board of Supervisors Authorizing and Approving a Sale by Agreement of Certain Tax-Defaulted Property (APN: 01-100-55)."
(Reid/Farnetti, 4-0; Hunt absent)

Marshall Rudolph, County Counsel: This matter was raised by the prior Public Works director who thought this would be an excellent piece of property for the Public Works Department. However, the lack of a decent legal property description caused a delay. There is now a proper legal description so the matter is ready for Board consideration. There is a process in the revenue and taxation code whereby public agencies and non profits can purchase property via agreement rather than going through a public process (there was a similar purchase last year). Since this sale is to the County, the law requires the Board to approve the sale as both the purchaser and the seller. The state controller will have to approve the agreement and the selling price.

Rudolph pointed out that some paperwork will be signed by the CAO on behalf of the County, so the Board chair is not signing as both buyer and seller. If the Board is still interested in proceeding with this transaction, their first action would be to authorize the CAO to sign the proposed application (which the state controller wants) and the proposed agreement to purchase. Their next action would be to approve the resolution, which the Board chair would sign. The details of this transaction are outlined in the staff report, including how the purchase price was determined.

Supervisor Reid asked if the gravel pit posed any problems with reclamation. Rudolph responded that there could be liability issues with the gravel pit, and there may be a need for a reclamation plan, as well as a quiet title action.

Evan Nikirk, Director of Public Works, said he was contacted by a couple of contractors who want to use the property for gravel material to be used in Antelope Valley. Nikirk confirmed the liability concern since this site is used by off-road vehicles. The cliffs need to be graded back, and there is a need to build up a slope. But the property is zoned for commercial use so could be a potential asset for the County. The biggest concern is the liability issue, but they can expend road funds to fence off the area or take other steps to prevent public access.

Supervisor Reid asked if the County owns the eight acres to the south. Rudolph responded affirmatively, and said the road to access the eight acres (which a private party is interested in purchasing) is on the parcel in question. If the County sells the eight acres, the purchaser may need an easement over this property for access. Supervisor Bauer asked if the County needed another barrow site. NiKirk said these types of sites are valuable.

DEPARTMENT OF FINANCE

- 11)** Special District Audits (**Brian Muir**)
M07-145 **ACTION:** (1) As provided in Government Codes Section 26909(f), commencing with Fiscal Year 2007-08 audits, set \$50,000 as the level of a district's annual budget at or below which a district may request permission to conduct a fiscal audit covering a five-year period. (2) Give direction to the Director of Finance to obtain a quote from a certified public accountant for a program of fiscal audit services for special districts within the County (excluding public utility districts) with annual budgets less than \$1,000,000. For those districts wishing to participate in the program, allocate the cost based on district annual revenues. Charge districts with annual revenues of less than \$250,000 a fee of \$500 and charge districts with annual revenues of \$250,000 or more half of their allocated cost with the balance of the accountant's fees to be paid by the County. (3) Exempt the Antelope Valley Water District and the Tri-Valley Groundwater Management District from charges for audits at this time due to their small budgets.
(Farnetti/Reid, 4-0; Hunt absent)

Brian Muir, Director of Finance: Special districts require audits and the county auditor should complete them. There is a provision that allows the Board to set a budget level at which or below a district can request a five-year audit (the district would require a unanimous vote and the Board of Supervisors would have to approve the request). Muir received input from the special districts, and the details are summarized in the staff report. He outlined the proposed payment plan: districts with revenues of \$250,000 or more would pay 50% of the cost, with the County paying the other 50%; districts with revenues of less than \$250,000 would pay \$500 and the County would fund the remainder. Muir mentioned that districts are not required to use County audit services. He recommended that 5-year audits start in the 2007-08 fiscal year so he can conduct audits this year and establish a base.

Supervisor Bauer said the budget for the June Lake Fire Protection District looks higher than it is usually because of one-time bond funds. Muir acknowledged that budgets change each year, and these circumstances are taken into consideration when considering the audit fees. Supervisor Reid referred to districts with very small budgets and said he was not comfortable charging them \$500; he suggested certain districts be exempt. Muir mentioned that if a district uses an outsider auditor, the cost could be \$3000-4000, and he asked the question: if a district can't afford \$500 for an audit, is there a need for the district? Perhaps this internal auditing process will be a catalyst to review the need for certain districts.

Supervisor Bauer asked about the possibility of having a sliding scale to accommodate districts with very limited resources. Muir indicated that the Board could determine the fee to charge the district, and any remaining amount would be paid by the County; he said this is a policy issue. At this time, however, the process needs to move forward so he can line up an auditor as quickly as possible.

Supervisor Reid suggested the Antelope Valley Water District and the Tri-Valley Groundwater Management District be included in the audit process but exempt from paying fees at this time due to their very small budgets.

Supervisor Hazard mentioned that he received an email from Fred Stump, Mono County Fire Chiefs Association, thanking Brian for working with them and offering County help.

10:30 a.m. PUBLIC WORKS

- 12)** Bid Opening: Scrap Metal Salvaging at the Benton Crossing Landfill (**Evan Nikirk**)
ACTION: Refer bids to the Public Works Director for review and recommendation.
M07-146 (**Farnetti/Reid, 4-0; Hunt absent**)

Evan Nikirk, Director of Public Works: Explained that state law prohibits the burying of scrap metal, so the transfer stations provide bins and the scrap metal is stockpiled at the Benton Crossing landfill. A salvager then comes in to bale and remove the metal. Regarding appliances, the County has another vendor that removes hazardous materials, and then the salvager takes them. Today's bids were received in response to a request from Public Works, and the contract will be a standard service agreement. Under the previous contract, the salvager paid the County because the commodities market was strong.

Bids were then opened by the Clerk to the Board and read by Nikirk:
American Salvage, Reno, Nevada, proposes to pay the County \$58 per ton. Seven States Recycling, Ephraim, Utah, proposes to pay \$40 per ton to the County; Brown's Supply, Bishop, California, proposes that the County pay them \$30 per ton to accept the material; Western Metals Recycling, Sparks, Nevada, proposes to pay the County \$51 per ton.

13) HEALTH & HUMAN SERVICES—HEALTH PROMOTION

Results of Legislated (Mammoth Lakes) and Voluntary (Unincorporated Mono) Smoke Free Business Surveys of Spring 2007 (**Nancy Mahannah**)

ACTION: Inform the Board of the current status of public support for smoke free outdoor areas.

This agenda item was pulled by the department and will be rescheduled at a later date.

11:25 a.m. ECONOMIC DEVELOPMENT & SPECIAL PROJECTS

14a) Presentation on Housing & Community Development Financial Assistance Program (Dan Lyster, Chris Westlake)

ACTION: Receive brief overview of State Housing and Community Development (HCD) Financial Assistance Program from Mr. Chris Westlake, Acting Deputy Director, Division of Financial Assistance.

Dan Lyster, Department of Economic Development, introduced Chris Westlake, California Department of Housing and Community Development (the organization that provided a majority of funding for the Courthouse elevator). Westlake gave a presentation about the programs provided by the State Department of Housing (the presentation packet is on file in the Clerk's office). He said the department is the mini HUD for rural areas, and housing is a big economic tool for the State. He referred to a program directory that provides information about financial assistance (this directory is on file in the Clerk's office). Westlake encouraged more rural jurisdictions to apply for funds, and said the political will of the Mono County Board of Supervisors has assisted the County in getting funds. Because a lot of funding is available through the Department of Housing, Westlake said there is no need for the County to use their limited CDBG funds; he also said he would sit down with County staff members to work out proposals. He encouraged the County to use the state housing bond for housing and the County CDBG funds for infrastructure.

Supervisor Bauer indicated that there seemed to be enough grant money available through the Department of Housing to justify the County hiring a grants administrator. She asked if other small counties hire grants administrators. Westlake mentioned that most of their programs include administrative funding that can help augment or fund a salary; small counties usually have a person who wears many hats, including grants administration.

Supervisor Reid asked about small projects and if there was a minimum amount of funding required. Westlake said a county can structure an application to include multiple activities; it doesn't need to be just one project. Supervisor Hazard said a large portion of Mono County is not high density, nor can it be, but there are still housing needs. Because of this situation, it seemed like Mono County wouldn't be able to access funding. Westlake mentioned that there are different ways to set up a project area and combine a variety of funding; the County just needs to be creative on plans. His department can assist the County with needs they have such as affordable single-family homes and parks projects, either directly or by providing contact information for other agencies.

ECONOMIC DEVELOPMENT/BOARD OF SUPERVISORS

- 14b)** Appointments to the Mono County Tourism/Film Commission, and Recognition of Outgoing Commissioners, Bob Peters and Nancy Boman
- M07-147** **ACTION:** Reappoint Danna Stroud (representing District #1), and appoint Mary Dayhoff and Bill Banta as at-large members to the Mono County Tourism/Film Commission.
(Farnetti/Reid, 4-0; Hunt absent)

The Board recognized Bob Peters and Nancy Boman for their years of service. Dan Lyster, Department of Economic Development, said it had been a pleasure working with Bob and he had been a wonderful asset to the Tourism and Film Commission. Supervisor Bauer presented a Certificate of Appreciation to Bob and thanked him for his time and effort over the last several years. Nancy Boman was unable to attend the meeting.

Regarding the new appointments, Lyster referred to a resolution recently adopted by the Board allowing for two at-large appointments without backgrounds specific to the tourism and film industries; he recommended that the Board appoint Mary Dayhoff and Bill Banta as at-large members.

Marshall Rudolph, County Counsel, pointed out that the County Code did not require the Board to approve appointments or re-appointments from specific districts; each supervisor could make their own appointments. Supervisors Reid and Farnetti indicated a preference for having each supervisor recommend an individual for appointment with the full Board approving the appointments. Supervisor Reid referred to the need for better representation from the Tri-Valley area. Supervisor Hazard suggested that at this time the at-large positions could provide needed flexibility.

11:45 a.m. PUBLIC WORKS

- 15)** Public Dedication and Ribbon-Cutting Ceremony for County Courthouse. Presentation of Certificates of Appreciation to the Emergency Response Teams who assisted with the Courthouse fire on January 8, 2007 **(Kelly Garcia)**
ACTION: Convene on the courthouse lawn for the public dedication and ribbon-cutting ceremony to recognize completion of the Mono County Courthouse Accessibility and Rehabilitation Project, and for the presentation of Certificates of Appreciation to Bridgeport Fire Department; Mono County EMS, Medic 7; Mono County Department of Public Works; Mono County Sheriff's Department; California Highway Patrol; Mountain Warfare Training Center Fire Department; Antelope Valley Fire Department; Lee Vining Fire Department and June Lake Fire Department.

The Board convened on the Courthouse lawn at 11:46 a.m. for the public ceremony. Supervisor Hazard welcomed those in attendance, and after the presentation of the colors, he spoke briefly about the history of the Courthouse. Coy Ziglar, retired District 4 Supervisor, and Kelly Garcia, Assistant Director of Public Works, also made brief comments. Each recognized that the Courthouse is a centerpiece in the community. Supervisor Hazard presented a replica of the plaque (that will be posted on the Courthouse) to Shirley Cecil, wife of the late John Cecil who was a driving force behind the remodeling project. Supervisor Reid presented Certificates of Appreciation to the various emergency response teams (listed above) recognizing their efforts in successfully extinguishing the Courthouse fire in January. The Board of Supervisors then cut the ribbon, and Supervisor Hazard thanked everyone for helping honor and rededicate the building. The colors were then retired.

Break from 12:15 p.m. through 1:17 p.m.; reconvened at 1:17 p.m.

1:00 p.m. OPPORTUNITY FOR THE PUBLIC TO ADDRESS THE BOARD

No one spoke.

**1:00 p.m. PUBLIC HEARING
COMMUNITY DEVELOPMENT DEPARTMENT**

- 16)** Map Modification 06-01 for PM 37-146 Searles (**Gwen Plummer, Scott Burns**)
M07-148 **ACTION:** (1) Adopt the map modification subject to additional map findings 1 through 9 as contained in the planning commission staff report. (2) Accept the environmental addendum to the previously certified mitigated negative declaration. (3) Approve the map conditions 12-15, which serve as replacement mitigation measures.
(Hazard/Farnetti, 4-0; Hunt absent)

Gwen Plummer, planner for the Community Development Department, said there are changes which make any or all of the conditions, or the design of the final map, no longer appropriate or necessary. She said the proposal requests modifying the current map to include mitigation measures to allow a horse corral and swimming pool outside the current approved building envelopes on the 2-acre parcel. The land use designation is Estate Residential with a 2-acre minimum parcel size. Plummer then outlined the recommended action.

Supervisor Farnetti referred to the staff report that made a recommendation for a shallow pool for deer. Property owner, Carol Searles, said the pool design accommodates animals and restricts access to people to prevent possible injury.

There were no questions or comments from the public.

EMERGENCY MEDICAL SERVICES

- 17)** Emergency Medical Services in Tri-Valley Area (**Mark Mikulicich**)
ACTION: Receive presentation regarding emergency medical services in Tri-Valley area.

Mark Mikulicich, Emergency Medical Services, gave a PowerPoint presentation that outlined the committee report, and the study results and recommendations (this information is on file in the Clerk's office). He said it is very difficult to get volunteers, and it is difficult for them to stay trained at the EMT level due to changing requirements. The County has helped provide EMT training to fire districts, but volunteer participation is uncertain because it is a big commitment, and the demand for services is taxing the volunteers' availability. Mikulicich mention possible options, such as having full county-paid service 24/7, with the availability of an ambulance; having limited basic life-support service, with some paid service 12 hours a day to address times when volunteers are not available; or contracting with a private ambulance company. He talked about the benefits of having crews with EMS workers cross-trained as firefighters, and the many advantages of having two paramedics on a team. He then outlined the costs of the various options (the details are contained in the study results packet on file in the Clerk's office). Because Benton and Hammil are so far removed, the department is struggling to provide service. Both districts have concerns about availability of volunteers.

Mikulicich recommended that Mono County fund a 24-hour, 7 day-a-week basic life support EMT/firefighter ambulance; and as the Tri-Valley area grows, have BLS full-time service extended to advanced life-support service (ALS). He recognized that this is a big fiscal issue, and expressed his appreciation to the Board for their help in working out solutions. He said the packet of information provides discussion about continued EMT training and the availability of ambulance service for White Mountain. Supervisor Bauer referred to information inferring that ALS service will bring in more money. Mikulicich said this has to do with the billing rate, and ALS service is billed at a higher rate.

Tri-Valley community members who were in the audience commented that they need financial help now due to the expected increase in requests for service as the population increases. They reiterated that the community does not have enough volunteers, and they requested 24/7 EMT service initially in the Tri-Valley area with other options to be considered as the area grows. Currently the majority of calls in the area are EMS related, so the need is for 24-hour EMT or paramedic service.

Supervisor Hazard mentioned that the committee spent a year looking at options, and decided they need consistent EMT service first. This issue needs to be considered as a policy item in the budget process because the situation is on the brink of crisis. The costs vary and the Board needs to look at the options. Supervisor Reid supported the idea of working on short-term goals and then progressing through the long-term issues. He also mentioned that the Board needs to consider balance and fairness throughout the County since other areas have this service available. He said he would like to see the Finance Director, the CAO and Mr. Mikulicich explore this issue to solve the short-term and long-term problems.

Supervisor Farnetti agreed this is an issue the Board needs to address, and suggested continuing some level of support while discussing the long-term problems. Supervisor Bauer asked Mikulicich if he had looked into different funding sources. He said he considered grants and CDBG funding, but it is difficult to find funding for wages and benefits; there is potential funding for start-up costs and someone in the community has volunteered to donate land for a facility. Mikulicich said the solutions need to be driven by the community, so he has been encouraging the community to think about these issues. Supervisor Bauer suggested that perhaps this needs to be examined county-wide, and a small sales tax increase might be an option. Brian Muir, Finance Director, indicated that a tax increase would be tough to pass and wouldn't provide adequate funding. Supervisor Hazard said they need to identify immediate financial support for the system, and then discuss long-term funding issues. Today's report was to raise awareness of the situation.

Mr. Mikulicich and the community members who were present thanked the Board for their time and attention to this issue.

Break at 3:25 p.m. through 3:38p.m.; reconvened at 3:38 p.m.

PUBLIC WORKS/COUNTY COUNSEL

- 18)** Amendment to Grading Ordinance and Hazardous Growth Abatement Ordinance
(Evan Nikirk, Stacey Simon)
ACTION: (1) Receive staff report regarding status of amendment to grading ordinance to exempt from grading permit requirements land clearing activities within 30 feet of a building or structure provided that land clearing is performed in accordance with Best Management Practices approved by the Director of Public Works. (2) Receive staff report regarding status of ordinance authorizing County to order abatement by property owners of vegetation posing a fire hazard to buildings or

structures and authorizing County to abate such conditions itself in the absence of action by the property owner.

Evan Nikirk, Director of Public Works, distributed written information that had been discussed at the Board's adjourned meeting on May 15 (on file in the Clerk's Office). In today's meeting, he and Stacey Simon from the County Counsel's Office would be presenting the draft ordinances and asking for direction from the Board.

Stacey Simon, County Counsel's Office, talked about the proposed amendment to the existing grading ordinance, which would exempt from permit requirements an area that occurs within 30 feet of a building or structure. The proposed amendment (found on page two of the draft) specifies exceptions to the permit requirement. The new exemption would be specific to land clearing or grading within so many feet of a building or structure. Currently, the defensible space requirement applies to the area within 30' of an *occupied* dwelling or structure; the proposed change would be within 30' of *any* building or structure. Simon asked to Board to consider if the exemption should be for 30 feet or 100 feet.

Simon further explained that when someone applies for a permit, the County places conditions on the permit to protect neighbors and the environment. With the proposed amendment, there would be a stock set of best management practices for defensible space purposes; permits would not be tailored to individual parcels. There might also be circumstances under which the exemption should not apply, such as within so many feet of a wetland, waterway, or body of water; these circumstances trigger other regulations that could involve CEQA. Staff is currently reviewing how the amendment might impact environmental regulations.

Simon asked the Board whether or not they want the exception to apply to a 30-foot zone or the entire 100-foot zone (if a 100-foot zone is required). She distributed a handout that explains the difference between 30-foot and 100-foot zones (on file in the Clerk's Office). She asked the Board to consider if it was necessary or desirable to go beyond the 30-foot zone when the state agency doesn't consider this level of clearing to be necessary. She said making a change to create an exemption to 100 feet may require some environmental research, so staff is reviewing this amendment in relation to CEQA requirements.

Supervisor Reid asked if making the change from 30 feet to 100 feet would trigger the grading permit requirement. Nikirk said if the proposed exemption specifies 100 feet, a permit would not be required. Bauer reiterated that it might trigger CEQA, however. Supervisor Reid said after seeing the recent fire, 30 feet is not enough and he preferred to allow people to clear defensible space up to 100 feet if they desire to do so. He suggested the County exempt 100 feet in the northern part of the County (from Mountain Gate north) and 30 feet in the southern part of the county (from Mountain Gate south). He also said there is a need for good educational information.

Simon pointed out that the change to the ordinance includes specifics about what type of property can be cleared out to 100 feet. She then reiterated that the Board was asking her to do the following: incorporate best management practices (to be developed by the Public Works Director); allow for a grading permit exemption for clearing up to 30 feet defensible space on properties from Mountain Gate south; allow for a permit exemption for clearing up to 100 feet defensible space on properties from Mountain Gate north; and specify situations that would prohibit an exemption (such as bodies of water and certain slopes) and require an individual review. A revised draft would then come back before the Board for further consideration. Simon mentioned that in addition, she may need to make minor tweaks in keeping with CEQA requirements.

Terri Erdman (area resident) said a grading permit should be separate from a defensible space permit, and property owners should be able to clear more than 30 feet if necessary.

Stacey Simon then addressed the proposed weed abatement ordinance. According to government codes, cities and counties are authorized to abate certain conditions when they pose a threat such as fire. The proposed ordinance before the Board deals specifically with uncontrolled and hazardous vegetation, which is defined to mirror state defensible law requirements. The proposed draft gives the County abatement authority when people fail to follow state law. The County would have the ability to issue a warning or citation, establish a deadline for compliance, and go onto a property and abate the problem directly. The proposed ordinance would define the conditions as within 30 feet or 100 feet of a structure even if hazardous growth is on a neighboring property. With this ordinance, the County could cite the owner of undeveloped property, and could require action if the conditions of the property are considered hazardous to a structure.

Simon explained that the enforcement officer inspects, issues warnings, and notices to abate, and would appear before the Board at an appeal or hearing. The abatement officer does the actual work to resolve the problem on the property. She said she considered having the fire districts do all the front-end work, but after further consideration realized this was not workable because there are exceptions in the law that require the discretion of the enforcement officer. However, fire districts could bring cases forward and identify properties as a potential fire hazard; they could also give a written warning and at the same time let property owners know about alternatives to achieve fire safety. A warning also allows the County to move into any enforcement option, such as imposing fines and penalties, rather than proceeding directly to abatement. With this ordinance, people would have the right to a hearing before the Board, and it would also allow the County to abate and file a lien for costs against the property.

Simon pointed out that there could be environmental issues with this ordinance and Community Development suggested that fish and game be involved with its creation; it has also been suggested that the RPACs be involved. Supervisor Reid agreed that this proposal should go to the RPACs with notices sent to residents in a particular area and also the fire departments. He said this proposal needs a lot of community input because it is very restrictive. Supervisor Bauer asked if the code enforcement officer would have time to do all the extra work. Nick Criss, code enforcement officer, said he would not have the time and that is why he wanted the fire districts to be involved. Farnetti agreed that the Board needs as much input as possible and the RPAC is a good way to accomplish this.

Supervisor Hazard asked what can be done about a property that has become a public nuisance and the owners can't be notified. Marshall Rudolph, County Counsel, explained that a public nuisance can be abated now and does not require the proposed ordinance.

Supervisor Hazard referred the ordinance back to the County Counsel's office for additional work. It will be brought before the Board at a future date.

PUBLIC WORKS

19a) Presentation of Potential Energy Conservation Projects by Aircon Energy (Kelly Garcia)

ACTION: Receive presentation by Aircon Energy relative to potential energy conservation projects at county facilities.

This agenda item was pulled by the department and will be rescheduled at a later date.

Break at 4:54 p.m. through 5:03 p.m.; reconvened at 5:03 p.m.

- 19b)** Bid Award: Scrap Metal Salvaging at the Benton Crossing Landfill (**Evan Nikirk**)
M07-149 **ACTION:** (1) Award bid to American Salvage of Reno, Nevada, for provision of scrap metal salvaging services at the Benton Crossing Landfill at the rate of \$58.00 per ton, payable to Mono County. (2) Authorize the Public Works Director (in consultation with County Counsel) to execute and administer a two-year service agreement with said bidder. This authorization shall include making minor amendments to said agreement from time to time as the Public Works Director may deem necessary, provided such amendments do not substantially alter the scope of work or budget and are approved as to form by County Counsel.

(Farnetti/Bauer, 4-0; Hunt absent)

Evan Nikirk, Director of Public Works, presented the bid tabulation. He recommended that the two-year contract be awarded to American Salvage since they propose to pay the County \$58 per ton.

ADJOURNMENT @ 5:08 p.m.; the meeting was dedicated to John Cecil.

The Mono County Board of Supervisor's next regular session will be on **June 19, 2007**, at the hour of 9:00 a.m. in the Board Chambers, County Courthouse, Bridgeport, California.

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